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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,674	10/28/2003	W. Nathaniel Mills III	YOR920030582US1	4242
7590 02/06/2008 Rafael A. Perez-Pineiro Intellectual Property Law Dept. IBM Corporation P.O. Box 218 Yorktown Heights, NY 10598			EXAMINER BHARADWAJ, KALPANA	
			ART UNIT 2129	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/694,674

Applicant(s)

MILLS ET AL.

Examiner

Bharadwaj Kalpana

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Status of Claims*

1. Claims 1-27 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 8-9, 13-16 and 19-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ng (USPN 2006/0053376, referred to as **Ng**).

#### **Claim 1:**

Ng teaches a method for building a session (**Ng**, Abstract: a portlet application;  
**EN**: a portlet application is analogous to a session), comprising:

- receiving a first session (**Ng**, ¶ 0153: first portlet to be refreshed);
- creating a first runtime of the first session (**Ng**, ¶ 0152: runtime refresh sequencing of the portlet);
- receiving a second session (**Ng**, ¶ 0027: second portlet); and

merging the second session with the first runtime of the first session to create a second runtime (**Ng**, ¶ 0047: portlets can be grouped together).

**Claim 2:**

Ng teaches the method of claim 1, further comprising:  
receiving an updated second session (**Ng**, ¶ 0142: updating the portlet); and  
merging the updated second session with the first runtime of the first session to create a third runtime (**Ng**, ¶ 0031: second and third portlets are contextually bound to the first portlet dynamically).

**Claim 3, 9:**

Ng teaches the method of claim 1, wherein the merging step comprises joining the first and second sessions at tests common to both sessions (**Ng**, ¶ 0031: synchronized with an account; **EN**: 'synchronization' involves contextual joining).

**Claim 8:**

Ng teaches a method for building a session, comprising:  
receiving a first runtime of a first session (**Ng**, ¶ 0153: first portlet to be refreshed);  
authoring a second session (**Ng**, ¶ 0027: second portlet; **EN**: 'authoring' is inherent when a second portlet is opened); and

merging the second session with the first runtime of the first session to create a second runtime (**Ng**, ¶ 0047: portlets can be grouped together).

**Claim 13, 14:**

Ng teaches the method of claim 1, further comprising associating types of analysis with different entry points in the second runtime (**Ng**, ¶ 0010: point of access for multiple users).

**Claim 15:**

Ng teaches the method of claim 8, wherein the step of authoring the second session comprises organizing analytic assets in a hierarchy (**Ng**, ¶ 0097: Dynamic Context Chaining Model; **EN**: The 'chaining' is hierarchical and the contexts are the assets).

**Claim 16:**

Ng teaches the method of claim 8, wherein the step of authoring the second session comprises:

assigning a unique identifier to the second session (**Ng**, ¶ 0154: logic which can identify the master portlet); and

creating a directed acyclic graph of at least one test (**Ng**, Fig 4: Integration Flow Diagram; **EN**: The structure of the Flow Diagram is analogous to a DAG).

**Claim 19;**

Ng teaches the method of claim 16, further comprising:

authoring the at least one test to include a unique identifier and an agent (**Ng**, ¶ 0154: logic which can identify the master portlet).

**Claim 20:**

Ng teaches the method of claim 19, further comprising:

authoring the agent to include a unique identifier (**Ng**, ¶ 0154: logic which can identify the master portlet) and a graph of beans (**Ng**, Fig 4: Integration Flow Diagram; **EN**: The structure of the Flow Diagram is analogous to a graph of beans).

**Claim 21:**

Ng teaches the method of claim 19, further comprising:

authoring the agent to include a unique identifier and a graph of rulesets defining an analytic workflow (**Ng**, ¶ 0088: access a rules database; rules controlling ... sets of portlets).

**Claim 22:**

Ng teaches the method of claim 20, wherein at least one of said beans comprises a unique identifier, and software or machinery that is configured to perform data analysis or to process data for analysis (**Ng**, ¶ 0066: data processing system).

**Claim 23:**

Ng teaches the method of claim 21, further comprising:  
authoring the ruleset to include a unique identifier (**Ng**, ¶ 0154: logic which can identify the master portlet), a collection of rules able to be executed to perform analysis (**Ng**, ¶ 0088: access a rules database; rules controlling ... sets of portlets), and supporting statements that define access to data in support of the analysis (**Ng**, ¶ 0066: data processing system; ¶ 0065: granting access).

**Claim 24:**

Ng teaches the method of claim 21, wherein at least one of said rules comprises an optional unique identifier, and a statement to enable analysis to be performed (**Ng**, ¶ 0089: pluggable rules engine; applies rules to ... selected portlets; **EN**: 'selected' implies optional).

**Claim 25:**

Ng teaches the method of claim 8, wherein the step of authoring the second session includes associating the second session with one or more analysis types defining the kind of analysis performed by the second session (**Ng**, ¶ 0214: dynamic context type).

**Claim 26:**

Ng teaches the method of claim 1, further comprising associating the second runtime with one or more analysis data and analysis types defined by the first and second sessions (**Ng**, ¶ 0214: dynamic context type).

**Claim 27:**

Ng teaches the method of claim 15, further comprising querying said analytic assets to understand their intent (**Ng**, ¶ 0198: change in context requires a different query), purpose and analytic function to promote reuse when authoring other analytic assets (**Ng**, ¶ 0004: Portlets are the visible active components; **EN**: 'portlets' and the corresponding components are reusable).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7, 10-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng as applied to claim 1 above, and further in view of Hanson (USPN 2003/0120811, referred to as **Hanson**).

**Claim 4, 10:**



Ng does not explicitly teach the method of claim 1, wherein the merging step comprises computing weights on navigation paths in the second runtime to optimize navigation during execution of the second runtime.

However, Hanson teaches computing weights on navigation paths in the second runtime to optimize navigation during execution of the second runtime (**Hanson**, ¶ 0175: weight factor). Hanson and Ng are from the same field of endeavor, application management. It would have been obvious to one of ordinary skill in the art to have modified Ng's portlet applications with a weight factor associated with queue configuration, for the benefit of dispatching queues that could be executed immediately as they are parsed (**Hanson**, ¶ 0175).

**Claim 5:**

Ng does not teach the method of claim 1, wherein the step of creating a first runtime comprises establishing first weights associated with the navigation of the first session.

However, Hanson teaches establishing first weights associated with the navigation of the first session (**Hanson**, ¶ 0125: scheduling weight; **EN**: scheduling is for navigation purposes). Hanson and Ng are from the same field of endeavor, application management. It would have been obvious to one of ordinary skill in the art to have modified Ng's portlet applications with scheduling weights, for the benefit of priority based portlet configuration/navigation.

**Claim 6, 11:**

Ng modified by Hanson teaches the method of claim 5, wherein the step of merging the first runtime with the second session comprises combining the first weights with second weights associated with the navigation of the second session (**Hanson**, ¶ 0132: (e.g., association scheduling weight); ¶ 0177: assigning each queue a weight factor; **EN**: a 'queue' is analogous to a portlet or a session). It would have been obvious to one of ordinary skill in the art to have modified Ng's portlet applications by combining weights associated with the queue, for the benefit of giving the higher priority queues, a greater access to the CPU (**Hanson**, ¶ 0177).

**Claim 7, 12:**

Ng does not teach the method of claim 1, further comprising the step of selecting a best route of navigation of the second runtime based on weights associated with tests in the second runtime.

However, Hanson teaches the step of selecting a best route of navigation of the second runtime based on weights associated with tests in the second runtime (**Hanson**, ¶ 0125: scheduling weight; **EN**: scheduling is for navigation purposes). Hanson and Ng are from the same field of endeavor, application management. It would have been obvious to one of ordinary skill in the art to have modified Ng's portlet applications with scheduling weights, for the benefit of priority based portlet configuration/navigation.

**Claim 17:**

Ng does not teach the method of claim 16, wherein the step of creating a graph comprises assigning navigation weights between at least two tests.

However, Hanson teaches assigning navigation weights between at least two tests (**Hanson**, ¶ 0125: scheduling weight; **EN**: scheduling is for navigation purposes). Hanson and Ng are from the same field of endeavor, application management. It would have been obvious to one of ordinary skill in the art to have modified Ng's portlet applications with scheduling weights, for the benefit of priority based portlet configuration/navigation.

**Claim 18:**

Ng modified by Hanson teaches the method of claim 17, wherein the weights are assigned according to one or more of the following factors:

material costs; labor costs; engineering feedback regarding system or component operation; and historic feedback of actual system or component operation (**Ng**, ¶ 0027: given account's order history summary).

### **Examinations Considerations**

6. Examiner's Notes (EN) are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

7. Examiner has cited particular columns and line numbers (or paragraphs) in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

### **Conclusion**

8. Claims 1-27 are rejected.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Mikurak, USPN 6606744, cited for collaborative installation management.

### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharadwaj Kalpana whose telephone number is (571) 270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KB  
Jan 24, 2008

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SUPERVISORY PATENT EXAMINER